

DIAA Board of Directors' Meeting Minutes  
Thursday, June 12, 2014 – 9:00 a.m.  
John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 9:00 a.m. by Chair Terre Taylor.

B. Roll Call

The following DIAA Board members were present: Terre Taylor, Susanne Williams, Edna Cale, Craig Eliassen, Laura Leone, Gary Cimaglia, Robert Cilento, Susan Coffing, Mike Hart, Dr. Mark Holodick, and Ron Eby,. Kevin Charles, Executive Director, and Paula Fontello, Deputy Attorney General, were also in attendance. Willie Savage, Curtis Bedford, Evelyn Edney, Bradley Layfield, Dr. Kevin Fitzgerald, Dr. Robert Walter, Leroy Mann, Nils Marcune, and Dr. Susan Haberstroh were unable to attend.

C. Approval of Agenda

Ms. Taylor explained that item III. C. was moved to the July agenda. Mr. Eby made a motion to approve the amended agenda. The motion was seconded by Mr. Hart and carried unanimously.

D. Approval of Minutes of DIAA May 8, 2014 Board Meeting

Ms. Cale made a motion to approve the minutes of the May 8, 2014 Board meeting. The motion was seconded by Mr. Cilento and carried unanimously.

E. DIAA Financial Report

Mr. Charles provided updates on the reporting period of May 1, 2014 to June 4, 2014. Mr. Charles stated that the revenue to date was \$826,879 which was 104% of the projected revenue. Mr. Charles reported that income for the reporting period was \$93,385. Mr. Charles explained that the expenditures to date are \$722,010 which was 91% of the projected expenditures. Mr. Charles reported that expenditures for this period were \$80,801. Mr. Charles reported that a request to increase the DIAA spending authority to \$850,000 has been included in the proposed FY 15 budget. However, until the change is included in the final budget act approved by the General Assembly it cannot be considered official. Mr. Hart made a motion to accept the financial report. The motion was seconded by Ms. Cale and carried unanimously.

II. Public Comment

None

### III. A. Approval of Tournament Sanctions

Mr. Charles reported that there are 10 events to be sanctioned including 4 cross country, 1 field hockey, 2 basketball, 1 wrestling and 1 track and field and the annual blue-gold softball all-star game. All appear to be in compliance with DIAA and NFHS regulations. Mr. Cilento made a motion to approve the sanction events. The motion was seconded by Mr. Cimaglia and carried unanimously.

### B. Request to Waive 1009.2.6 by Caravel for DIAA 2014-6-1

Student and Student's parents were in attendance to present this request. Student's father requested a closed hearing. A school representative was not in attendance. Mr. Cimaglia made a motion to go into executive session at the parent's request for the purposes of protecting the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Mr. Eby and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Fontello explained that there was less than a full Board present and there were only 11 voting members present and participating to consider the matter. The parties confirmed that they understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

While in executive session, the hearing proceeded and evidence was taken and deliberations were held. Mr. Hart made a motion to go into deliberation. The motion was seconded by Ms. Cale and carried unanimously. Ms. Cale made a motion to come out of deliberation. The motion was seconded by Mr. Eby and carried unanimously. Mr. Cilento made a motion to come out of executive session. The motion was seconded by Ms. Coffing and carried unanimously.

Mr. Hart made a motion to grant Student's request based on the evidence presented and allow the student to participate in the fall. The motion was seconded by Ms. Cale and carried by a vote of 10 – yes (Williams, Cale, Eliassen, Leone, Cimaglia, Cilento, Coffing, Hart, Holodick, and Eby) and 1 – no (Taylor).

The Board recessed from 10:10 a.m. and reconvened at 10:20 a.m.

D. Interim Waivers by the Executive Director

1. 1009.2.4 by Dover for DIAA 2014-6-3

Ms. Fontello advised that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the privacy of the pupil file. Mr. Hart made a motion to go into executive session at the parent's request for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Mr. Eby and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that this request is being conducted under a modified hearing process and that the student's parents sent in a signed consent in order to proceed under these modified procedures and also requested a closed proceeding. Ms. Fontello advised that a full hearing is scheduled for the July 10, 2014 meeting should it be necessary. Ms. Fontello explained that Mr. Charles granted two interim waivers one allowing the student to participate and the second regarding the mandatory appearance provision to allow the student and parent not to appear today. Ms. Fontello further explained that Mr. Charles granted the interim waivers and modified the procedures in an attempt to accommodate the waiver requests for fall athletics while predicting that the other items on the agenda would take up considerable time. It was confirmed for the record that Mr. Charles remained under oath. The waiver packet and supporting documents, the letter sent to the parents from Mr. Charles, and the signed consent were made part of the record. Evidence was taken and deliberations were held.

Dr. Holodick made a motion to come out of executive session. The motion was seconded by Mr. Cimaglia and carried unanimously.

Mr. Eby made a motion to approve the two interim waivers granted by the Executive Director and grant the Student's waiver. The evidence presented by the Student met the burden of establishing a hardship and the information provided regarding the hardships were beyond the control of the student. The motion was seconded by Mr. Eliassen and carried unanimously. Ms. Fontello noted for the record that the waiver request is granted and the full hearing scheduled for July 10, 2014 is no longer necessary and is cancelled.

2. 1009.2.4 by Sanford for DIAA 2014-6-4

Ms. Fontello advised that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a

closed hearing for the purpose of protecting the privacy of the pupil file. Mr. Eby made a motion to go into executive session at the parent's request for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Ms. Williams and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that this request is being conducted under a modified hearing process and that the student's parents sent in a signed consent in order to proceed under these modified procedures and also requested a closed proceeding. Ms. Fontello advised that a full hearing is scheduled for the July 10, 2014 meeting should it be necessary. Ms. Fontello explained that Mr. Charles granted two interim waivers one allowing the student to participate and the second regarding the mandatory appearance provision to allow the student and parent not to appear today. Ms. Fontello further explained that Mr. Charles granted the interim waivers and modified the procedures in an attempt to accommodate the waiver requests for fall athletics while predicting that the other items on the agenda would take up considerable time. It was confirmed for the record that Mr. Charles remained under oath. The waiver packet and supporting documents, the letter sent to the parents from Mr. Charles, and the signed consent were made part of the record. Evidence was taken and deliberations were held.

Mr. Eby made a motion to come out of executive session. The motion was seconded by Ms. Leone and carried unanimously.

Dr. Holodick made a motion to approve the two interim waivers granted by the Executive Director and grant the Student's waiver. The evidence presented by the Student met the burden of establishing a hardship and the information provided regarding the hardships were beyond the control of the student. The motion was seconded by Mr. Hart and carried unanimously. Ms. Fontello noted for the record that the waiver request is granted and the full hearing scheduled for July 10, 2014 is no longer necessary and is cancelled.

#### E. Associate Membership Request by DISC Schools

Mr. Charles explained that DIAA member schools that are unable to comply with all DIAA regulations must apply annually for Associate Membership and that he recently received a request from the Delaware Independent School Conference for St. Andrew's School, Sanford School, Tatnall School, Tower Hill School, and Wilmington Friends School. The two regulations that the DISC schools were asking for relief from 1009.2.4 Eligibility Transfers and 1009.2.7.1 Eligibility Years of Participation. Mr. Charles reviewed the reasons for the request and stated that he receives this request annually. This year's request is virtually identical to last year's. Mr. Cilento made a motion to accept the request. The motion was seconded by Ms. Williams and carried

unanimously.

F. Revision to 1009.4.3 FAQ Regarding Wrestling Tournaments

Mr. Charles explained that the State Wrestling Committee was proposing changes to the wording governing the maximum number of tournaments by striking the words “of which no more than six may be individual tournaments” and replacing it with “ of which no more than six may be individually bracketed tournaments; or, five individually bracketed plus one team advancement or round robin tournament”. Mr. Charles further explained that this would increase the opportunities for the average wrestler while placing a cap in the number of team or round robin events. Mr. Hart made a motion to accept the proposal. The motion was seconded by Mr. Cilento and carried unanimously.

G. USA Football/Heads Up Program for Member Schools

Mr. Charles explained that he has been working with the football coaches association with regards to the Heads Up Football program. Mr. Charles explained that this program is intended to teach safe blocking and tackling with the goal of reducing the risk of injury to football athletes. Mr. Charles further explained that in order to register for this program the coach must be a member. Mr. Charles was asking the Board to purchase the membership for two coaches for each school for one year. After some discussion Mr. Eby made a motion to approve the cost of a membership for each level of football including freshman, JV, and Varsity levels for high schools and 2 memberships for middle schools. The motion was seconded by Ms. Leone and carried unanimously.

IV. Executive Director Report

A. Legal Report

Ms. Fontello reported that the Department of Education issued their decision regarding the appeal to the Secretary of Education on the Title IX Grievance. Ms. Fontello also reported on the status of the pending legal matter with outside counsel provided by the insurance carrier.

B. Misc.

Mr. Charles reported on the spring tournaments and stated that golf was the only sport not affected by weather. Mr. Charles also reported that the attendance was good despite of the bad weather.

Mr. Charles reported on the first unified sports championships and the first

multi division championships in girls soccer.

Mr. Charles commented on the softball championship game between Laurel High School and Caravel Academy and the great sportsmanship between the two teams.

Mr. Charles reported on the lightening at the baseball championship and stated that lightening policies need to be discussed with the officials associations.

Mr. Charles stated that Senate Bill 205 the Sudden Cardiac Arrest Act passed the Senate and was awaiting action in the House.

Mr. Neubauer reviewed the participation chart with the Board members.

V. Other

VI. Public Comment

None.

VII. Adjournment

Ms. Cale made a motion to adjourn at 11:50 a.m. The motion was seconded by Ms. Coffing and carried unanimously.

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Tina Hurley